

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Josh R. Santini,

Plaintiff,

v.

Kim Farris et al.,

Defendants.

Civil Action No. 21-13045

Honorable Jonathan J.C. Grey

Mag. Judge Patricia T. Morris

**ORDER ADOPTING REPORT AND RECOMMENDATION (ECF
No. 83) AND DENYING THE MOTION FOR 30-DAY EXTENSION
(ECF No. 84)**

On December 17, 2021 Josh R. Santini initiated this prisoner civil rights action. (ECF No. 1.) On July 20, 2022, Santini amended his complaint and alleged that defendants Kim Farris, Keith Papendick, MD, Rickey Coleman, MD, and Erin Parr-Mirza violated his Eighth Amendment rights, his Michigan Constitutional rights, and the Americans with Disabilities Act (ADA). Further, he alleged that the defendants were grossly negligent.

On June 16, 2023, defendant Erin Parr-Mirza filed a motion for summary judgment. The Court referred all pretrial matters, including the motion, to United States Magistrate Judge Patricia T. Morris. (No.

63.) On January 24, 2024, Judge Morris entered a report and recommendation on the summary judgment motion, recommending that this Court: (a) dismiss Santini's Eighth Amendment claims against Parr-Mizra; (b) dismiss his ADA claims against all defendants; and (c) decline to exercise supplemental jurisdiction over, and dismiss, Santini's medical malpractice claim and claims under the Michigan Constitution. No objections were filed regarding the substance of Judge Morris' report and recommendation.

Santini did file a motion for a 30-day extension on February 21, 2024. (ECF No. 84.) He requested a 30-day extension to respond to the report and recommendation so that he may attempt to secure legal representation. However, even if the Court granted the extension, the 30 days he requested has already elapsed, and no attorney has entered an appearance on behalf of Santini. While the Court credits Santini's claim that it will be easier to obtain counsel now that he is released from custody, the claim is undercut by the age of this case. The case is already three years old, which included a sufficient amount of time to find representation even under the serious constraints of incarceration. His argument is also undercut since, according to his motion, he would have

been released from custody at least a month before the date of this order. As such, the Court **DENIES as moot** the motion for a 30-day extension.

A party may object to any specified portion, proposed findings, or recommendation in the magistrate judge's report. 28 U.S.C. § 636(b)(1). For any specific objection, the district judge is to make a de novo determination of the issue. *Id.* The district judge may accept, reject, or modify, in whole or in part, any findings or recommendations. *Id.*

When no objection is made, the district judge may sua sponte review the report and recommendation, *Thomas v. Arn*, 474 U.S. 140, 154 (1985); however, there is no obligation of independent review. *Hall v. Chapman*, 627 F. Supp. 3d 804, 806 (E.D. Mich. 2022) (citing *Thomas* 474 U.S. at 149–52). Under sua sponte review, with no objection, the district judge may use a “de novo or any other standard.” *Thomas*, 474 U.S. at 154.

Santini made no specific objections to Judge Morris' report and recommendation. After an independent review, the Court **ADOPTS** Judge Morris' report and recommendation (ECF No. 83).¹ The Court

¹ The Court finds that the recommendations as applied to Parr-Mirza are correct based on causation grounds only. At this time, the Court makes no finding on the issue of the medical necessity for pain management treatment as there are no

GRANTS Parr-Mizra's motion for summary judgment. (ECF No. 61.)
The Court **DISMISSES** Santini's Eighth Amendment claims against Parr-Mizra and his ADA claims against all defendants. The Court **DECLINES** to exercise supplemental jurisdiction over Santini's medical malpractice claim and claims under the Michigan Constitution for the reasons given in the report and recommendation. Those state law claims are **DISMISSED**.

SO ORDERED.

Date: March 25, 2024

s/Jonathan J.C. Grey
Jonathan J.C. Grey
United States District Judge

objections. However, the court does not adopt the report and recommendation's reasoning on that issue.

Certificate of Service

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 25, 2024.

s/ S. Osorio
Sandra Osorio
Case Manager